



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,616	12/21/2001	Herbert V. Joiner	NAI1P062/01.304.01	4530
28875	7590	01/05/2006	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			TRAN, PHUC H	
			ART UNIT	PAPER NUMBER
			2668	

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/029,616	JOINER ET AL.	
	Examiner	Art Unit	
	PHUC H. TRAN	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Fletcher et al. (U.S. Patent No. 6108782).

- With respect to claims 1, 9, 17, and 25, Fletcher teaches a method for analyzing a network utilizing a zone controller, comprising: receiving network traffic information from a plurality of host controllers (col. 6, lines 25-28); and reporting on the network traffic information utilizing a plurality of network-based interfaces (col. 2, lines 54-65); and wherein the host controllers are related to a zone (e.g. Fig. 1).

- With respect to claims 2, 10, and 18, Fletcher also teaches synchronizing a clock with the host controllers (col. 12, lines 10-20).

- With respect to claims 3, 11, and 19, Fletcher discloses wherein the network traffic information is originally collected by a plurality of agents coupled to the host controllers (e.g. Fig. 1).

- With respect to claims 4, 12, and 20, Fletcher teaches identifying a zone associated with each of the host controllers (col. 9, lines 54-63).

- With respect to claims 5, 13, and 21, Fletcher further teaches reporting on the network traffic information relating to each of the zones (e.g. each collectors for each area as Fig. 1).

- With respect to claims 6, 14, and 20, Fletcher teaches receiving maps from the host controller (col. 10, lines 30-33).

- With respect to claims 7, 15, and 23, Fletcher discloses reporting on the network traffic information utilizing the maps (col. 10, lines 34-40).

- With respect to claims 8, 16 and 24, Fletcher teaches offloading the network traffic information to a database (col. 9, lines 32-44).

- With respect to claim 26, Fletcher teaches a method for analyzing a network utilizing a zone controller, comprising:

synchronizing a clock with a plurality of host controllers (col. 12, lines 10-20);
receiving network traffic information from the host controllers (col. 6, lines 25-28);
identifying a zone associated with each of the host controllers (col. 9, lines 54-63);
receiving maps from the host controllers (col. 10, lines 30-33);
reporting on the network traffic information relating to each of the zones utilizing a plurality of network-based interfaces and the maps (col. 10, lines 34-40); and
offloading the network traffic information to a database (col. 9, lines 32-44).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Proctor (U.S. Patent No. 6530024 B1) discloses adaptive feedback security system and method.
- Sharon et al. (U.S. Patent No. 6137782) discloses automatic network traffic analysis.

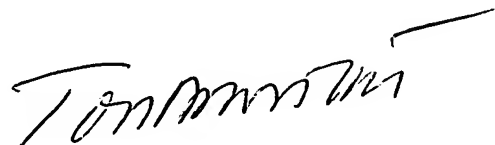
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
1/3/06



DANG TON
PRIMARY EXAMINER